

# EXHIBIT 2

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

JUN - 5 2023

RICK WARREN  
COURT CLERK

73

HEATHER SMITH, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

WHALECO INC. DBA TEMU,

Defendant.

Case No. CJ-2023-2888

CLASS ACTION

(JURY TRIAL DEMANDED)

**MOTION TO ASSOCIATE COUNSEL**

Plaintiff Heather Smith hereby moves the Court for an Order permitting Edwin Powell Miller to practice in the above styled and numbered cause pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App.1, Art. II. This Motion is supported by the attached "Signed Application" (Exhibit 1), "Certificate of Good Standing (Exhibit 2), and the "Certificate of Compliance" from the Oklahoma Bar Association (Exhibit 3).

Dated this 5th day of June, 2023.

Respectfully Submitted,

Kathy R. Neal, OBA #674  
MCAfee & Taft, P.C.  
Williams Center Tower II  
Two W. Second Street, Suite 11200  
Tulsa, Oklahoma 74103  
Telephone: 918-587-0000  
Facsimile: 918-599-9317  
[kathy.neal@mcafeetaft.com](mailto:kathy.neal@mcafeetaft.com)

ATTORNEY FOR PLAINTIFF

**APPLICATION****OUT OF STATE ATTORNEY REGISTRATION**

Edwin Powell Miller, Applicant, respectfully represents:  
 First Name Middle Name Last Name

1. Applicant is an attorney at law and a member of the law firm of \_\_\_\_\_  
The Miller Law Firm, P.C.

Applicant's mailing address is 950 W. University Drive, Suite 300  
Rochester Oakland MI 48307  
 City County State Zip Code  
(248) 841-2200 ( ) (248) 652-2852  
 Telephone (Firm) Telephone (Applicant's Direct Dial) Fax (Applicant)

epm@millerlawpc.com  
 E-mail Address (Applicant)

2. Applicant is admitted to practice and is a member in good standing  
 (certificates of good standing attached) of the bar(s) of the highest state court(s)  
 of the following state(s):

<u>State</u>	<u>Date of Admission</u>
<u>Michigan</u>	<u>11/24/1986</u>

3. Applicant is admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or other tribunals on the dates indicated for each, and is presently a member in good standing of the bars of said courts:

<u>Tribunal</u>	<u>Date of Admission</u>
<u>USDC Eastern District of Michigan</u>	<u>3/30/1987</u>
<u>USDC Western District of Michigan</u>	<u>4/29/2002</u>
<u>Sixth Circuit Court of Appeals</u>	<u>6/13/1989</u>
<u>Third Circuit Court of Appeals</u>	<u>1/3/2007</u>



4. Have you ever been suspended or disbarred in any court except as hereinafter provided (Give particulars; e.g. court, jurisdiction, date): \_\_\_\_\_

No

5. Are you currently subject to any pending disciplinary proceedings by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, date, status): \_\_\_\_\_

No

6. Have you ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, type of discipline, date, status): \_\_\_\_\_

No

7. Have you ever had any certificate or privilege to appear and practice before any regulatory or administrative body suspended or revoked except as hereinafter provided (Give particulars; e.g. administrative body, date, status of suspension or reinstatement):

No

8. Applicant seeks admission to practice in the State of Oklahoma in the following matter (give particulars; e.g. caption of case, court or agency, type of matter, party to be represented): **Note - A separate application is to be submitted for each matter in which the applicant seeks admission!**

Heather Smith, individually and on behalf of all others similarly situated,

Plaintiff, vs. Whaleco, Inc. d/b/a TEMU, Defendant

Oklahoma County; Case No. CJ-2023-2888

Type of Case: Class Action

Represent Plaintiff

9. The Oklahoma Bar Association member who is counsel of record for Applicant in this matter is:

<u>Kathy</u>	<u>R.</u>	<u>Neal</u>	<u>674</u>
<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>	<small>O.B.A. Number</small>
<u>2 West 2nd Street, Suite 1100</u>	<u>Tulsa</u>	<u>OK</u>	<u>74103</u>
<small>Mailing Address</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
<u>(918) 587-0000</u>	<u>(918) 574-3120</u>	<u>kathy.neal@mcafeetaft.com</u>	
<small>Telephone Number</small>	<small>Fax Number</small>	<small>E-mail Address</small>	

10. The following accurately represents the names of each party in this matter and the names and addresses of each counsel of record who appear for that party:

<u>Party Name</u>	<u>Counsel Name</u>	<u>Address of Counsel</u>
<u>Heather Smith</u>	<u>Kathy R. Neal</u>	<u>McAfee &amp; Taft, P.C.</u>
		<u>Two W. 2nd Street</u>
		<u>Suite 1100</u>
		<u>Tulsa, OK 74103</u>
<u>Whaleco, Inc. dba TEMU - counsel has not entered appearance yet</u>		

11. Applicant certifies that he/she shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the laws of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association.

12. Applicant understands and shall comply with the standards of professional conduct required of members of the Oklahoma Bar Association.

13. Applicant has disclosed in writing to the client that the Applicant is not admitted to practice in this jurisdiction and the client has consented to such representation.

I, E. Powell Miller, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

I am the Applicant in the above referenced matter; I have read the foregoing and know the contents thereof; the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to those matters I believe them to be true.

I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association; I understand and shall comply with the standards of professional conduct required by members of the Oklahoma Bar Association; and that I am subject to the disciplinary jurisdiction of the Oklahoma Bar Association with respect to any of my actions occurring in the course of such appearance.

DATED this 10th day of May, 2023.

E. Powell Miller  
Applicant

Mail with check or money order (payable to the OBA) to:

Out-of-State Attorney Registration  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152-3036

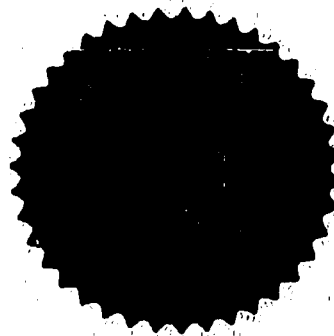
Form 200B

# State Bar of Michigan

## Certificate of Good Standing

This certifies that E. Powell Miller, P39487 of Rochester, Michigan is an active member of the State Bar of Michigan in good standing.

He/She was admitted to practice in Michigan on November 24, 1986 in Wayne County and became a member of the State Bar of Michigan on November 24, 1986.



Peter W. Cunningham, Executive Director  
May 08, 2023

PLAINTIFF'S  
EXHIBIT

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## Certificate of Compliance

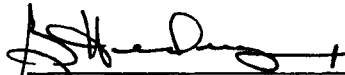
Oklahoma Bar Association  
1901 North Lincoln Boulevard  
Post Office Box 53036  
Oklahoma City, Oklahoma 73152-3036

The Oklahoma Bar Association, in response to the application of out-of-state attorney, submits the following certificate pursuant to 5 O.S. Ch.1 App.1, Art. II

1. Applicant has submitted a signed application of out-of-state attorneys, certificate(s) of good standing, and the non-refundable application fee pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App. 1, Art. II.
2. Date of Application: **May 30, 2023**
3. Application Number: **2023-260**
4. Applying Attorney: **Edwin Powell Miller  
The Miller Law Firm, P.C.  
950 W. University Drive, Suite 300  
Rochester, MI 48307**
5. The Application was: **GRANTED**

Dated this 30<sup>th</sup> day of May, 2023.



  
Gina L. Hendryx, General Counsel  
Oklahoma Bar Association

